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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/847,257

05/02/2001

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B422-148

6909

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03/02/2005

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EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,257

Applicant(s)

ISSHIKI, NAOHIRO

Examiner

Tung S. Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-7-2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitada et al. (U.S. Patent 6,075,928).

Regarding claim 1:

Kitada discloses a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising: a recognition unit for recognizing a charge function of another data processing apparatus (Col. 4-5, Lines 41-15); a decision unit for deciding whether said data

processing apparatus is to effect a charge process for a first process by said data processing apparatus and for a second process by said another data processing apparatus (Col. 5-7, Lines 15-60); and a control unit for controlling execution of the charge process in accordance with the decision by said decision unit (Col. 5-7, Lines 15-60, fig. 1, unit 13).

Regarding claim 5:

Kitada discloses a data processing apparatus comprising: a processing portion for effecting a predetermined process with respect to another data processing apparatus (Col. 4-5, Lines 41-15); and Information portion for informing said another data processing apparatus of charge function information of the data processing apparatus (Col. 4-5, Lines 41-15), so that double charge for the predetermined process by said data processing apparatus and said another data processing apparatus is prevented (Col. 5-7, Lines 15-60); and a charge portion for executing a charge process for a first process by said data processing apparatus and for a second process by said another data processing apparatus in order to execute the predetermined process after the information by said information portion (Col. 5-7, Lines 15-60, fig. 1, unit 13).

Regarding claim 6:

Kitada discloses a method for controlling a data processing apparatus for effecting a predetermined process with respect to another data processing apparatus, comprising: recognizing a charge function of the another data processing apparatus (Col. 4-5, Lines 41-15); deciding whether said data

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processing apparatus is to effect a charge process for a first process by said data processing apparatus and for a second process by said another data processing apparatus in accordance with the recognition in said recognition step (Col. 5-7, Lines 15-60); and controlling execution of the charge process in accordance with the decision by said decision unit (Col. 5-7, Lines 15-60, fig. 1, unit 13).

Regarding claim 7:

Kitada discloses a method for controlling a data processing apparatus comprising: effecting a predetermined process with respect to another data processing apparatus (Col. 4-5, Lines 41-15); informing said another data processing apparatus of the charge function information of the data processing apparatus (Col. 5-7, Lines 15-60), so that double charge for the predetermined process by said data processing apparatus and said another data processing apparatus is prevented and executing a charge process for a first process by said data processing apparatus and for a second process by said another data processing apparatus in order to execute the predetermined process after the information. by said information step (Col. 5-7, Lines 15-60).

Regarding claim 2, Kitada further discloses decision what effects the decision on a basis of information received from another data processing apparatus (Col. 5-6, Lines 1-60); Regarding claim 3, Kitada further discloses wherein the predetermined process is a process for printing an image read by said another data processing apparatus in the data processing apparatus; and the charge process is based on at least one part of information regarding the number of

images read by said another data processing apparatus, monochromatic reading, color reading, the number of sheets to be printed by said another data processing apparatus, monochromatic printing and color printing (Col. 7-8, Lines 6-40); Regarding claim 4, Kitada further discloses wherein the predetermined process is a process for printing as image read by the data processing apparatus in said another data processing apparatus; and the charge process is based on at least one part of information regarding the number of images read by the data processing apparatus, monochromatic reading, color reading, the number of sheets to be printed by said another data processing apparatus, monochromatic printing and color printing (Col. 6-8, Lines 24-4).

### ***Response to Arguments***

3. Applicant's arguments filed 2/7/2005 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

**BRYAN BUI**  
**PRIMARY EXAMINER**

